

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DONALD WYATT,

CASE NO. 1:13-cv-028

Petitioner,

Judge Timothy S. Black

Magistrate Judge Stephanie K. Bowman

-vs-

WARDEN, Warren Correctional  
Institution,

Respondent.

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JUDGMENT IN A CIVIL CASE

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☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:**

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendations (Doc. 11) of the United States Magistrate Judge is **ADOPTED**; that the Respondent's Motion to Dismiss (Doc. 9) is **GRANTED**; that the Petitioner's Petition (Doc. 1) is **DISMISSED** with prejudice; any certificate of appealability under 28 U.S.C. § 2253(c); would be **DENIED**; any appeal would not be take in good faith and any request for leave to appeal *in forma pauperis* would be **DENIED**; and the case is **TERMINATED** on the docket of this Court.

Date: December 6, 2013

**JOHN P. HEHMAN, CLERK**

By: s/ M. Rogers

Deputy Clerk